

On April 6, 1943, the defendant having entered a plea of not guilty, the case was tried to a jury on June 10, 14, and 15, 1943, and resulted in a verdict of guilty. On July 9, 1943, the defendant was sentenced to 3 weeks on each of the 6 counts of the information, the sentences to run concurrently.

5088. Misbranding of oil. U. S. v. 16 Cans and 18 Cans of Oil. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9767. Sample Nos. 26923-F, 26924-F.)

On or about April 12, 1943, the United States attorney for the District of New Jersey filed a libel against 16 cans and 18 cans of oil at Plainfield, N. J., alleging that the article had been shipped in interstate commerce on or about March 2, 1943, by Antonio and Peter Bottone, from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Net Contents One Gallon. Marca Risveglio Brand Extra Fine Oil," or "Finest Quality Purezza Brand * * * One Gallon."

The article was alleged to be misbranded (1) in that the statements (Risveglio Brand) "Net Contents One Gallon," and (Purezza Brand) "One Gallon" were false and misleading as applied to the article, since it was short volume; (2) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (3) in that it failed to bear a label containing an accurate statement of the quantity of the contents; (4) in that it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each such ingredient; and (5) in that it contained artificial coloring and failed to bear labeling stating that fact.

On July 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

5089. Adulteration and misbranding of mayonnaise. U. S. v. 15 Cases of Mayonnaise (and 7 additional seizure actions against mayonnaise). Default decrees of condemnation and destruction. (F. D. C. Nos. 9217, 9218, 9246, 9247, 9321, 9322, 9334, 9354. Sample Nos. 19554-F, 22594-F, 23159-F, 23160-F, 23164-F, 23213-F, 23217-F, 23218-F.)

Between January 19 and February 10, 1943, the United States attorneys for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, and the District of Massachusetts filed libels against 33 cases, each containing 4 1-gallon jars, and 30 1-gallon jars of mayonnaise at Philadelphia, Pa.; 13 cases, each containing 4 1-gallon jars, and 35 1-gallon jars, of mayonnaise at Allentown, Pa.; 6 cases, each containing 4 1-gallon jars and 3 1-gallon jars, of mayonnaise at Wilkes-Barre, Pa.; 13 1-gallon jars of mayonnaise at Hazleton, Pa.; and 26 1-gallon jars of mayonnaise at Boston, Mass., alleging that the articles had been shipped in interstate commerce within the period from on or about November 25 to December 19, 1942, by H. L. Barker, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "Mayonnaise Quality Supreme Contains Vegetable Salad Oil."

The article was alleged to be adulterated (1) in that a valuable constituent, vegetable oil, had been in whole or in part omitted therefrom; (2) in that a substance containing mineral oil had been substituted wholly or in part for mayonnaise, which it purported and was represented to be; and (3) in that mineral oil, having no food value, had been added to the article or mixed or packed therewith so as to reduce its quality or strength.

The article was alleged to be misbranded: (1) in that the statement "Mayonnaise Quality Supreme * * * Vegetable Salad Oil," appearing in the labeling, was false and misleading as applied to an article made with mineral oil, a non-nutritive substance; (2) in that it was offered for sale under the name of another food; and (3) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. A portion was alleged to be misbranded further in that it failed to bear a label containing an accurate statement of the quantity of the contents. One lot was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since it contained egg whites, which was not mentioned in the label.

Between February 8 and May 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

5090. Adulteration and misbranding of Dina-Mite Cereal. U. S. v. 25 Cans of Dina-Mite Cereal. Default decree of condemnation and destruction. (F. D. C. No. 9194. Sample No. 12795-F.)

On January 25, 1943, the United States attorney for the District of Idaho filed a libel against the above-named product at Twin Falls, Idaho, alleging that the article